RSA 159 of 2007.

24.12.2007 Present: Mr. Bimal Gupta, counsel for the appellants.

Mr. K.D.Sood, counsel for respondents 1 to 4.

When this appeal was taken up for admission, it was pointed out that two of the plaintiffs before the trial Court, namely Sukha and Sajno, daughter and widow respectively of late Shri Chananu had died when the matter was pending in appeal before the Additional District Judge. An affidavit filed by the appellant also states that Smt. Sajno died on 9.10.2004 during the pendency of the first appeal and that her estate was already represented by appellants 2 and 3. It is also stated that Sukha also died during the pendency of the appeal and before her death she had executed a Will in favour of Jalam Singh, first appellant.

The matter is being remanded to the learned appellate Court for further proceedings. The Court will determine whether the estate of the two deceased plaintiffs was represented during the appeal or not and the effect of their death and their legal representatives having not been brought on record. The parties will appear before the appellate Court on 20.2.2008.

December 24, 2007 (PC). (Dev Darshan Sud), J.